

110TH CONGRESS
1ST SESSION

H. R. 4064

To amend the Immigration and Nationality Act to permit the Secretary of State to waive certain requirements with respect to special immigrants described in section 101(a)(27)(D) of such Act who have performed service for the United States abroad under extraordinary conditions.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 1, 2007

Mr. PERLMUTTER (for himself and Mr. POMEROY) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to permit the Secretary of State to waive certain requirements with respect to special immigrants described in section 101(a)(27)(D) of such Act who have performed service for the United States abroad under extraordinary conditions.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SPECIAL IMMIGRANTS PERFORMING SERVICE**
2 **FOR THE UNITED STATES ABROAD UNDER**
3 **EXTRAORDINARY CONDITIONS.**

4 Section 203(b) of the Immigration and Nationality
5 Act (8 U.S.C. 1153(b)) is amended by adding at the end
6 the following:

7 “(7) SPECIAL RULES FOR ‘D’ SPECIAL IMMI-
8 GRANTS.—

9 “(A) IN GENERAL.—With respect to visas
10 made available to special immigrants under sec-
11 tion 101(a)(27)(D), the Secretary of State,
12 after consultation with the Secretary of Home-
13 land Security and other appropriate agencies of
14 the United States Government, may determine
15 that it is in the interests of the United States
16 to reduce the period of faithful service required
17 to a period of at least 1 year, for such alien em-
18 ployees or honorably retired former employees
19 who have been employed in and are nationals of
20 a foreign state in which the Secretary finds that
21 there exist extraordinary conditions, such as on-
22 going military or civil conflict or ongoing seri-
23 ous threats to alien employees as a consequence
24 of their faithful service as an employee of the
25 United States Government abroad, or of the
26 American Institute in Taiwan.

1 “(B) BACKGROUND AND SECURITY
2 CHECKS.—Prior to the issuance of a visa, an
3 alien subject to a determination under subpara-
4 graph (A) shall undergo and pass background
5 and security checks, as established by the Sec-
6 retary of Homeland Security in consultation
7 with the Secretary of State.

8 “(C) EFFECTIVE PERIOD OF DETERMINA-
9 TION.—A determination made under subpara-
10 graph (A) may remain in effect for not more
11 than 5 years.

12 “(D) NOT COUNTED AGAINST NUMERICAL
13 LIMITATIONS.—Immigrant visas made available
14 to special immigrants pursuant to a determina-
15 tion under subparagraph (A) shall not be sub-
16 ject to, or counted against, any numerical limi-
17 tation established under this subsection, section
18 201, or section 202.

19 “(E) REVIEW.—Any recommendation of
20 any employee to the Secretary of State by the
21 principal officer with respect to a determination
22 under subparagraph (A) shall be reviewed by an
23 official at the Department of State in accord-
24 ance with procedures established by the Sec-

- 1 retary of State in consultation with the Sec-
- 2 retary of Homeland Security.”.

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